

## **REMARKS**

### **STATUS OF THE CLAIMS**

Claims 1-18, 21-35 and 38-47 were pending. Claims 1-18, 21-33, 35, and 38-47 have been withdrawn from consideration pursuant to a restriction requirement. Claim 34 was examined and was rejected under 35 U.S.C. § 102 as allegedly anticipated by various references.

Claim 34 has been amended as shown above to make explicit that one or both of the first or second polypeptides binds to DNA. Support for this amendment can be found throughout the specification as filed, for example in original claim 27. Withdrawn claims 1-5, 8, 13-15, 18, 21, 22, 38, 39, 40, 46 and 47 have been similarly amended to comport with claim 34. Claims 6, 9, 12, 27-30, 32, 33, 36 and 37 have been canceled, without prejudice or disclaimer. Thus, claims 1-5, 7, 8, 10, 11, 13-18, 21-26, 31, 34, 35 and 38-47 are pending as shown above and claim 34 has been examined.

### **SPECIFICATION**

The specification has been amended as shown above to place the "Brief Description of the Drawings" in the appropriate location.

### **RESTRICTION**

In view of the foregoing amendments providing the same limitations in the product and process claims, Applicants expressly reverse their right to rejoinder of pending process claims 1-5, 7, 8, 10, 11, 13-16, 18, 21-24, 31, 35, 38-42 and 46-47. Furthermore, Applicants expressly reserve their right under 35 U.S.C. § 121 to file one or more divisional applications directed to the nonelected subject matter during the pendency of this application.

### **PRIORITY DOCUMENTS**

Applicants will submit certified copies of the priority UK applications under separate cover.

### **INFORMATION DISCLOSURE STATEMENT**

Applicants acknowledge with appreciation return of the initialed and signed 1449 forms, including the lined-through duplicate references. Submitted herewith is a Supplemental Information Disclosure Statement, consideration of which is requested.

### **35 U.C.S. § 102**

Examined claim 34 has been rejected under 35 U.S.C. § 102 as allegedly anticipated by a variety of references. (Office Action, pages 3-7). In particular, claim 34 was rejected under 35 U.S.C. § 102(a) as allegedly anticipated by Uchida et al. (1999); under 35 U.S.C. § 102(b) as allegedly anticipated by any one of Nicola, McEwan or Alberts; and under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,265,174 (hereinafter "Menzel").

### **Claim Construction**

Claim 34 is directed to a switching system comprising first and second polypeptides, wherein the first polypeptide binds to the second polypeptide in a manner modulatable by a ligand. In addition to binding to each other, one or both of the first and second polypeptides also binds to DNA.

### **References Addressed**

As noted above, claim 34 requires that at least one of the first or second polypeptide components binds to DNA. None of the cited references disclose such switching systems.

Uchida describes protein receptor-protein ligand complexes in which neither polypeptide binds to DNA. Similarly, Nicola, Carptener, McEwan and Alberts also relate exclusively to protein receptor-protein ligand complexes (hGH in Nicola, EGF receptor in Carpenter, GR in McEwan, and G-protein coupled receptors in Alberts). Likewise, Menzel also fails to describe or demonstrate systems as claimed, which necessarily include at least one nucleic acid binding polypeptide.


Thus, none of the cited references teach the subject matter of claim 34 and accordingly, withdrawal of these rejections is respectfully requested.

**CONCLUSION**

Applicant submits that the claims are in condition for allowance and request early notification to that effect. If the Examiner has any further issues or wishes to discuss any of the foregoing, he is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

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